## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:23-CV-319-FDW-DCK

CAMERON J AIKENS,	)	
Plaintiff,	)	
<b>v.</b>	)	<u>ORDER</u>
HERBALIFE INTERNATIONAL OF AMERICA, INC.,	)	
Defendants.	)	
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THIS MATTER IS BEFORE THE COURT on "Defendant's Motion To Transfer Venue" (Document No. 5) filed July 25, 2023. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion.

Defendant seeks to transfer this action to the United States District Court for the Middle District of North Carolina, Winston-Salem Division ("Middle District") pursuant to 28 U.S.C. §§ 1404(a) and 1406(a). (Document No. 5, p. 1). Defendant contends that venue is not proper before this Court, but is proper in the Middle District, "where all of the acts or omissions giving rise to Plaintiff's claims occurred." (Document No. 5, p. 2); see also (Document No. 6).

Plaintiff failed to file a response to the pending motion; however, counsel for Plaintiff has recently responded to an email inquiry from the undersigned's staff and stated that the motion to transfer venue is *not* opposed.

Based on Defendant's arguments, and the representation from Mr. Bowers that Plaintiff does not oppose the motion, the undersigned will direct that this matter be transferred to the Middle District.

IT IS, THEREFORE, ORDERED that "Defendant's Motion To Transfer Venue" (Document No. 5) is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court shall have this matter promptly transferred to the United States District Court for the Middle District of North Carolina, Winston-Salem Division.

SO ORDERED.

Signed: September 1, 2023

David C. Keesler

United States Magistrate Judge